APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,996	06/23/2003	Ronald Pfeifer	DE920010116US1	9824

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ART UNIT	PAPER NUMBER
2179	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	**Applicant(s)**
Office Action Summary	10/601,996	PFEIFER ET AL.
	Examiner	**Art Unit**	
	Mylinh Tran	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 March 2007*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Applicant's Amendment filed 03/15/07 has been entered and carefully considered. Claims 1 and 9 have been amended. Claims 17-19 have been added. However, the limitations of the amended and new claims have not been found to be patentable over prior art of record, therefore, claims 1-19 remain rejected under the same ground of rejection as set forth in the Office Action mailed (12/15/06).

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claims 9-16, the term "A computer-readable program" is not defined in the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 17-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The

subject matter of "analyzing said user navigation information to identify

differences between the behavior of users navigating within said web site during

a first subset of said plurality of user web sessions and the behavior of users

navigating within said web site during user web sessions which are not within

said first subset of said plurality of user web sessions..." is not properly

described in the specification as filed.

The applicant is requested to identify by suitable reference to pages and

line numbers and/or drawing figures the subject matter in the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering

patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that

the subject matter of the various claims was commonly owned at the time any

inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the

inventor and invention dates of each claim that was not commonly owned at the

time a later invention was made in order for the examiner to consider the

applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior

art under 35 U.S.C. 103(a).

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Venkatesan [US. 6,928,474].

As to claims 1 and 9, Venkatesan teaches a method for analyzing user

behavior in a man-machine interface of a data processing system in which user

action is tracked, characterized by the steps of: defining at least one element

associated with user navigation within said man-machine interface occurring

during a user session (column 2, lines 29-43); storing user navigation

information from a plurality of said user sessions, said user navigation

information being associated with said at least one element and reflecting the

user navigation behavior within said man-machine interface occurring during

said plurality of said user sessions (column 2, lines 49-65); correlating, within

said user navigation information, said at least one success element to user

navigation behavior within said man-machine interface occurring during said

plurality of said user sessions (column 2, line 61 through column 3, line 21), and

performing a statistical analysis on a plurality of different sets of navigation

information collected in respective different user sessions (figures 2-3).

Venkatesan fails to clearly teach at least one success element associated with

user navigation, however suggested that the number of completed transactions

in a given time period being taught at column 2, lines 45-47. Venkatesan also

suggests plurality paths which a user takes during a plurality of the user

sessions (figure 4, 50-56).

Official notice is taken that implementation of at least one success element

associated with user navigation. It would have been obvious to one of ordinary

skill in the art, at the time the invention was made, to combine the well known

implementation with the Venkatesan's teaching. Motivation of the combination

would have been for the advantage of reliability of an interface.

As to claims 2 and 10, Venkatesan teaches user navigation information being

collected from user navigation when visiting a Website (column 3, lines 5-45).

As to claims 3 and 11, Venkatesan also teaches the step of graphically

representing results of said statistical analysis in a graph-like form (figures 2-3).

As to claims 4 and 12, Venkatesan teaches the step of filtering analysis results

according to one or more success elements (column 3, lines 45-60).

As to claims 5 and 13, Venkatesan also teaches a success element definition,

location information associated with said success element, time information

associated with a user action related to said success element, and session

information identifier which allows to identify different users (column 6, lines 33-

60).

As to claims 6 and 14, Venkatesan teaches user navigation information being

collected from user navigation in a user application program (column 4, lines

40-65).

As to claims 7 and 15, Venkatesan also teaches after a predetermined level of collected navigation data has been achieved, changing the man-machine interface such that user preferences are displayed in an emphasized way (column 4, lines 40-65).

As to claims 8 and 16, Venkatesan fails to teach at least parts of the non-preferred rest of said man-machine interface being displayed in a background way. However, the non-preferred rest to said man-machine interface being displayed in a background way was well known in the computer art. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the well known implementation with Venkatesan. Motivation of the combination would have been to provide user a man machine interface for those who might need.

As to claim 17, Venkatesan teaches a method for analyzing user behavior in a man-machine interface of a data processing system in which user action is tracked, characterized by the steps of: defining at least one element associated with user navigation within said man-machine interface occurring during a user session (column 2, lines 29-43); said at least one element comprising at least one user input indication successful completion of an operation by a user during said user web session (column 4, lines 50-56, the user navigates from page to page to complete a successful transaction on the webpage and column 2, lines 42-46, Venkatesan cited "...the number of completed transactions in a given time period.." representing one success element comprising at least one user input).

storing user navigation information from a plurality of said user sessions, said

user navigation information being associated with said at least one element and

reflecting the user navigation behavior within said man-machine interface

occurring during said plurality of said user sessions (column 2, lines 49-65);

correlating, within said user navigation information, said at least one element to

user navigation behavior within said man-machine interface occurring during

said plurality of said user sessions (column 2, line 61 through column 3, line

21), and performing a statistical analysis on a plurality of different sets of

navigation information collected in respective different user sessions (figures 2-

3).

analyzing said user navigation information to identify differences between the

behavior of users navigating within said web site during a first subset of said

plurality of user web sessions and the behavior of users navigating within said

web site during user web sessions which are not within said first subset of said

plurality of user web sessions, said first subset of said plurality of user web

sessions being user web sessions of said plurality of user web sessions for

which at least one said success element as defined by said defining step is

associated with user navigation of said interface provided by said web site

during the respective user web session, said first subset being fewer that all

said user web sessions (column 4, lines 49-51, a plurality of paths is analyzed

to identify differences between the behavior of user navigating within the

website. The first path is different from the second path and so on....The

behavior of user navigating is different representing a plurality of different

paths).

Venkatesan fails to clearly teach at least one success element associated with

user navigation, however suggested that the number of completed transactions

in a given time period being taught at column 2, lines 45-47. Venkatesan also

suggests plurality paths which a user takes during a plurality of the user

sessions (figure 4, 50-56).

Official notice is taken that implementation of at least one success element

associated with user navigation. It would have been obvious to one of ordinary

skill in the art, at the time the invention was made, to combine the well known

implementation with the Venkatesan's teaching. Motivation of the combination

would have been for the advantage of reliability of an interface.

As to claim 18, Venkatesan fails to clearly teach at least one success element

comprising at least one user input indicating successful completion of an on-line

purchase by the user during said web session, however suggested that the

number of completed transactions in a given time period being taught at column

2, lines 45-47. Venkatesan suggests the number of completed transactions in a

given time period at column 2, lines 45-47.

Official notice is taken that implementation of at least one success element

comprising one user input. It would have been obvious to one of ordinary skill in

the art, at the time the invention was made, to combine the well known

implementation with the Venkatesan's teaching. Motivation of the combination

would have been for the advantage of reliability of an interface.

As to claim 19, Venkatesan teaches the step of modifying said interface

provided by said web site responsive to said differences identified by said

analyzing step (column 6, lines 51-67).

Response to Arguments

The applicant has admitted the Venkatesan's system discloses a system for

collecting data with respect to user navigation of a web site, analyzing the data,

and modifying the web site in response to the analysis, which is similar to the

system disclosed by applicants. However, applicant has argued that

Venkatesan does not disclose the use of a "success element" as the term is

used in applicant's claims, i.e. a success element associated with a user's

navigation, which is correlated to the user's navigation behavior.

However, the examiner respectfully disagrees because the prior art, as

disclosed at column 2, lines 45-47, shows that the number of completed

transactions in a given time period. The user has been through a successful

path to complete a transaction in the web session. The successful path is

considered as success element. Thus, the success element associated with a

user's navigation is taught in the Venkatesan's system.

Venkatesan, as disclosed at column 4, lines 50-56, shows the user navigating

from page to page to complete a successful transaction on the webpage, and at

column 2, lines 42-46, shows "…the number of completed transactions in a

given time period..". The transaction requests at least one user input to make it

successfully.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of

time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply

is filed within TWO MONTHS of the mailing date of this final action and the

advisory action is not mailed until after the end of the THREE-MONTH

shortened statutory period, then the shortened statutory period will expire on

the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In

no event, however, will the statutory period for reply expire later than SIX

MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications

from the examiner should be directed to Mylinh Tran. The examiner can

normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

The fax phone numbers for the organization where this application or
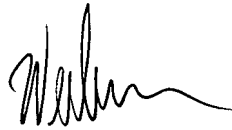
proceeding is assigned are as follows:

571-273-8300

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PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

(toll-free).

Mylinh Tran

Art Unit 2179

WEILUN LO
SUPERVISORY PATENT EXAMINER